

Claims 1-16 and 18-19 are pending in this application. Claim 7 is canceled.  
Claims 1, 8-11, 18 and 19 are canceled. Claim 20 is newly added.

### **Foreign Priority**

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O.

### **Drawings**

Applicants also respectfully note the present action indicates that the drawings have been accepted by the Examiner.

### **Rejections under 35 U.S.C. § 103**

#### **Peters/Hsieh**

Claims 1-16, 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,715,334 to Peters et al. ("Peters") in view of US Patent No. 5,594,767 to Hsieh et al. ("Hsieh"). Applicants respectfully traverse this rejection for the reasons detailed below.

Claim 1 has been amended to include limitations previously recited in claim 7 and now recites: "wherein the combining includes **determining a first region mask for the first CT image** or a first of the one or more processed CT images, the first region mask defining an area within the first CT image, or the first of the one or more processed CT images, whose elements have intensity values **within a first intensity value range, determining a respective additional region mask for a second of the one or more of the processed CT images**, the respective additional region mask defining an area within the second of the one or more of the processed CT images, **whose elements have intensity values within the at least one predetermined**

**intensity value range**, and combining the first CT image or the first of the one or more processed CT images with the second of the one or more of the processed CT images, **weighted by their respective region masks**, whereby the enhanced CT image is provided" (emphasis added). Applicants respectfully submit, neither Peters nor Hsieh, alone or in combination, teach these limitations.

First, Applicants note, on page 6 of the current Office Action, in rejecting claim 7, the Examiner states "[t]he limitation of claim 7 has been addressed above." However, Applicants disagree. Applicants respectfully submit, the discussion of Peters and Hsieh provided in the current Office Action does not explain how either of Peters and Hsieh, alone or in combination, teach forming region masks for **each** of two different CT images, respectively, and combining the two CT images **based on weighting of the two respective region masks**.

Specifically, with respect to the first CT image recited in claim 1, the Examiner appears to identify the first image data array taught by Peters, and with respect to the one or more processed CT images recited in claim 1, the Examiner appears to identify the differential data array taught by Peters. However, nothing in Peters teaches forming a **first** regional mask based on the first image data array, forming a **second** regional mask based on the differential data array, the first and second mask defining areas within respective ones of the first image data array and the differential data array **based on intensity value ranges**, and combining the first data array and the differential data array **weighted by the respective region masks**. Hsieh likewise fails to teach these features. For at least this reason, Applicants respectfully submit a *prima facie* case of obviousness has not been established with respect to claim 1 or any claims depending from claim 1 as is required to support a rejection under §103.

Next, the following has been held:

"rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."

(*In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006))

Accordingly, the Examiner must articulate some reasoning supporting a finding of obviousness. On page 5 of the current Office Action, the Examiner asserts that it would have been obvious for one of ordinary skill in the art to "increase image sharpness and decrease the level of aliasing artifacts without reducing overall image quality". Though it is not stated in the Office Action, Applicants assume the Examiner believes it would be obvious to combine the teachings of Peters and Hsieh. However, the Examiner does not identify how one of ordinary skill in the art would even modify the teachings of Peters with those of Hsieh to achieve increased image sharpness and decreased aliasing artifacts without reducing overall image quality. The Examiner does not state how one would modify the teachings of Peters at all. Accordingly, Applicants respectfully submit, the Examiner the Examiner has not articulated any reasoning with some rational underpinning for the finding of obviousness as is required to establish a *prima facie* case of obviousness. For at least this reason, Applicants respectfully submit a *prima facie* case of obviousness has not been established with respect to claim 1 or any claims depending from claim 1 as is required to support a rejection under §103.

Further, claims 18-19 have been amended and include limitations similar to those discussed above with reference to claim 1. Accordingly, for at least the reasons discussed above, Applicants respectfully submit a *prima facie* case of obviousness has not been established with respect to either of claims 18 and 19 or any claims depending from claims 18 or 19 as is required to support a rejection under §103.

Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 1-16, 18 and 19 under 35 U.S.C. § 103(a).

**New Claims**

Claim 20 is newly added and includes no new matter. Claim 20 depends from claim 1. For the reasons discussed above, Applicants believe claim 1 to be allowable over the applied art. Accordingly, Applicants believe claim 20 to be allowable over the applied art.

**CONCLUSION**

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a two (2) month extension of time for filing a reply to the outstanding Office Action and submit the required \$490.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

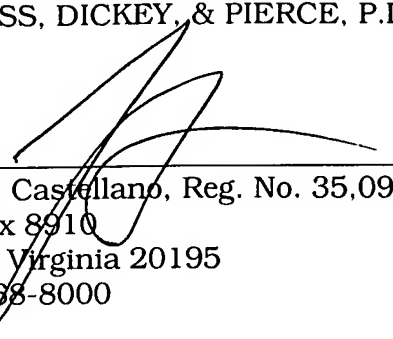
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No.

08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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